IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2163 OF 2003

Shri Subhash Shankar Gaikwad .. Petitioner

Vs.

Shri Rajaram Shankar Gaikwad and Ors. .. Respondents

Mr.N.V.Walawalkar i/b Mr.S.A.Sawant for the petitioner

Mr.A.H.Palekar for the respondent no.2 to 5

Ms.Veena Thadani for respodent no.1

CORAM : S.U.KAMDAR, J
DATED : 24TH NOVEMBER, 2005

P.C.:

. The order impugned herein is order dt.13.3.03 passed in Misc.Appeal No.2 of 2003. Both the parties agree that this order which has been annexed at Ex.'O' to the petition contains no reasons. In my opinion, the Appellate Authority cannot pass an order without giving any reasons whatsoever in respect of his conclusion of dismissal of the appeal and thus, the order is required to be quashed and set aside. Order

dt.13.3.03 is set aside and Misc.Appeal No.2 of 2003 is remanded back to the Additional Dist.Collector, Pune for hearing afresh after giving notice to both the parties and giving an opportunity of personal hearing. Additional Dist.Collector, Pune is directed to pass a speaking order for giving the reasons. Addl.Dist.Collector is further directed to conduct the hearing of the appeal and pass a final order on or before 31.12.05. In the meanwhile, parties are directed to maintain status quo.